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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,041	10/29/2003	Joel S. Rossen	ZM244/03001	7147

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EXAMINER

PATEL, TARLA R

ART UNIT	PAPER NUMBER
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3772

MAIL DATE	DELIVERY MODE
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08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/696,041

Applicant(s)

ROSSEN, JOEL S.

Examiner

Tarla R. Patel

Art Unit

3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/7/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29, 37-58, 66-73, 76 and 78-81 is/are pending in the application.
- 4a) Of the above claim(s) 12, 22-25, 27-29, 37-58, 66-73, 76 and 78-81 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-21 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8,10,11,13,16-21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sander (1,920,808) in view of Geng (6,043,408).

Sander discloses an invasive medical procedure site dressing (7) comprising an observation door (6), an absorbent layer (5) interposed below patch base layer (3), a procedure site aperture (4, space/opening in between the ring 5) which comprises co-aligned aperture in absorbent layer and patch base layer (3, see fig 1 shows 4 open in layer 3 as well as 5); said absorbent layer is smaller (see fig 1, shows absorbent layer smaller than patch base layer) than said patch base layer.

With respect to claim 10, aperture (4) through absorbent layer and patch base layer are similar in size and shape (see fig 1).

3. However Sander does not disclose a carrier paper is adhesively adhered to patch base layer and observation door hingedly attached to the patch base layer, carrier paper contact a bottom surface of absorbent layer and a portion of bottom face of patch base layer and affixed to and release from adhesive layer, base layer is composed of flexible material, absorbent layer is composed of an absorbent material, observation door is composed of transparent material, flap member of said observation door is comprised of same material as patch base layer, which is made of a gas permeable material with minute pores and a releasable adhesive on said flap member's top surface, flap member of said observation door has an absorbent pad mounted to a backing releasably affixed to said flap member with said releasable adhesive, absorbent pad is comprised of an absorbent material is absorbent material which is cotton and absorbent pad is cut from said absorbent layer such that said absorbent pad is about a same size and shape as said absorbent layer, absorbent pad has a backing with a removal tab, which is extended and absorbent pad is positioned on a lower side of extended removal tab.

4. However Geng teaches a carrier paper contacts a bottom surface of said absorbent layer and a portion of a bottom face of said patch base layer

(column 3 lines 3-6), carrier paper is composed of material such as paper, polyethylene or polypropylene, which can be coated with suitable finish, such as clay and with a release agent such as silicone (column 3 lines 47-52), these are designed to affix to and release from an adhesive layer, patch base layer is composed of a Nylon, Dacron, polyethylene, cotton or linen, which are all flexible in nature (column 3 lines 29-35), patch base layer further comprises an adhesive (6) coating on a bottom face of said patch base layer (column 3 lines 3-6), adhesive coating on said patch base layer is of such strength to adhere said site dressing to said patients skin without requiring an adhesive coating on said absorbent layer (column 3 lines 36-42), absorbent layer is made of gauze, which is absorbent material (column 4 lines 2-4), absorbent layer further comprises an adhesive coating on a bottom surface, since it is a part of flap, which is permanently attached to patch base layer (4) has adhesive in the bottom, it is obvious that absorbent layer does have adhesive on the bottom too, observation door or flap is composed of a transparent material (column 4 lines 1), observation door is comprised of flap member (18) and a fixed member (24) joined at a hinge (14b), said fixed member folded under said flap member at said hinge and adhered to said patch base layer with a permanent adhesive

(30), flap member of said observation door has a transparent window (column 4 lines 1), flap member of said observation door is comprised of same material as patch base layer, which is made of a gas permeable material with minute pores (column 3 lines 15-26) and a releasable adhesive on said flap member's top surface, flap member of said observation door has an absorbent pad mounted to a backing releasably affixed to said flap member with said releasable adhesive (column 4 lines 2-6), absorbent pad is comprised of an absorbent material is gauze (column 4 lines 2-4), which is cotton and absorbent pad is cut from said absorbent layer such that said absorbent pad is about a same size and shape as said absorbent layer (see fig 3 and 6), absorbent pad has a backing (20) with a removal tab (28), removal tab is extended and said absorbent pad is positioned on a lower side of said extended removal tab (see fig 6).

5. At the time of the invention, it would have been an obvious to one having ordinary skill in art to use the teaching of Geng to modify the device of Sander, to have better wound care by observing the progress of the wound by transparent window/door and having carrier paper in bottom of the wound dressing to have better adherence to wound area and does not

come off with the dust built up on the bottom of the base layer and to better absorption of the more exudates from wound with absorbent material of gauze.

6. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sander and Geng (408) in view of Webster (5,782,787).

Sander and Geng substantially disclose the invention, please see rejection to claims 1-8,10,11,13,16-21 and 26 above; however Sander and Geng does not discloses that wound dressing absorbent layer varies in thickness from about 1/16 of an inch to about one inch, which is 1.5875 mm in thickness.

However Webster teaches a wound dressing having absorbent layers have a thickness of 0.5 mm to 20 mm, more suitably 0.8 mm to 12 mm and preferably 1 mm to 8 mm, for example 4 mm to 6 mm (column 3 lines 65-67). At the time the invention was made, it would have been obvious to one having ordinary skill in the art to modify the absorbent layer for wound dressing of Geng to have thickness of preferably 1 mm to 8 mm, as taught by Webster to have more fluid absorption capacity.

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sander and Geng (408).

Sander and Geng substantially disclose the invention, please see rejection to claims 1-8,10,11,13,16-21 and 26 above; however Sander and Geng does not discloses that wound dressing having observation door is held in an open and undeployed position by a releasable adhesive bead located on patch base layer such that flap member of observation door can be released from releasable adhesive bead and swiveled on said hinge to a closed and deployed position and flap member is further comprising a positioning tab placed opposite hinge.

At the time of the invention, it would have been an obvious matter of design choice to modify the wound dressing to have adhesive bead placed on the patch base layer such that flap member of observation door can be released from releasable adhesive bead and swiveled on hinge to a closed and deployed position and further having positioning tab placed opposite hinge are merely a matter of engineering design choice, and thus does not serve to patentably distinguish the claimed invention over the prior art. See In re Kuhle, 526 F.2d.553, 188USPQ7 (CCPA 1975).

Response to Arguments

8. Applicant's arguments with respect to claims 1-11,13-21 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tollini (5,449,340) discloses a bandage for replaceable dressing, Tollini (5,397,639) discloses a securing tape, Davis (5,372,589) discloses a transparent catheter securing device and method, Hathman (5,086,763) discloses a protective reclosable wound dressing, and Hathman (5,702,356) discloses a disposable wound dressing permitting non-invasive examination. Levinson (6,638,296) discloses a hemostasis pad and method.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory


period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tarla R. Patel whose telephone number is 571-272-3143. The examiner can normally be reached on M-T 6-3.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TP


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8/20/07